

Date of Deposit: February 15, 2001

PATENT

Attorney Reference Number 4239-56467

Application Number 09/700,999

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#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wiener et al.

Art Unit: To be assigned

Application No. 09/700,999

Filed: November 20, 2000

For: METHOD FOR PRESSURE MEDIATED
SELECTIVE DELIVERY OF THERAPEUTIC
SUBSTANCES AND CANNULA

Examiner: To be assigned

Date: February 15, 2001

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 15, 2001 as Express Mail Label No. EL748698996US in an envelope addressed to: BOX PCT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

William D. Noonan

William D. Noonan, M.D.
Attorney for Applicant

RESUBMISSION OF DECLARATION

A Combined Declaration and Power of Attorney for this case was previously submitted on December 4, 2000. Since that time, it was noted that the inventor Stephen M. Wiener had noted his new city of residence on the Declaration, without initialing and dating the change.

The new copy of the Declaration that is submitted herewith includes an attestation to the change in Dr. Wiener's declaration signature.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
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By *William D. Noonan*

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COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

- As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR PRESSURE MEDIATED SELECTIVE DELIVERY OF THERAPEUTIC SUBSTANCES AND CANNULA, the specification of which

- ☐ is attached hereto.
- ☐ was filed on _____ as Application No. _____.
- ☒ was described and claimed in PCT International Application No. PCT/US99/11277, filed on May 21, 1999, and as amended under PCT Article 19 on _____ (if applicable).
- ☐ and was amended on _____ (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

| | | | |
|-------------------|--------------------|---------------------------------|--|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|-------------------|--------------------|---------------------------------|--|

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| | |
|---|-------------------------------------|
| 60/086,565 _____ Application Number | 21 May 1998 _____ Filing Date |
| 60/087,099 _____ Application Number | 28 May 1998 _____ Filing Date |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Application No.)

(Filing Date)

(Status: patented,
pending, abandoned)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the National Institutes of Health as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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